

TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)
300.1003

In re Application of: Chih-Ming Chen et al.

Application No. 09/435,576

Filed: November 8, 1999

For: HMG-CoA Reductase Inhibitor Extended Release Formulation



The owner*, Andrx Labs LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference Application Number 10/603,254**, filed on June 25, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney of record. Reg. No. 41,240

Robert Paradiso by *Elizabeth J. Schlesinger* May 23, 2006
Signature *Robert J. Paradiso* Reg. No. 41,240
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212-736-1940

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